

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 9:25-cv-80020

MICHAEL GRECCO PRODUCTIONS, INC.,

Plaintiff,

v.

THE RAYMOND F. KRAVIS CENTER FOR
THE PERFORMING ARTS INC. and PALM
BEACH IMPROV,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff MICHAEL GRECCO PRODUCTIONS, INC., by and through his undersigned counsel, brings this Complaint against Defendant THE RAYMOND F. KRAVIS CENTER FOR THE PERFORMING ARTS, INC. and PALM BEACH IMPROV for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff MICHAEL GRECCO PRODUCTIONS, INC. brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Grecco's original copyrighted Work of authorship.

2. Michael Grecco Productions Inc. is a company formed by Michael Grecco (“Grecco”), an award winning commercial photographer noted for his iconic celebrity portraits. Grecco has had his images featured on magazine covers including Forbes, Times, Sports Illustrated, and Wired. Grecco has been called “a master of light,” and is known for creating moody black and white portraits, often elaborately staged and lit to perfection.

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3. Defendant PALM BEACH IMPROV is a comedy club that features famous comedians. At all times relevant herein, Palm Beach Improv owned and operated the internet websites located at the URLs <https://www.instagram.com/p/CPyrwgbB6DM/> and <https://www.facebook.com/pbimprov/photos/pb.100064596403178.-2207520000/4866032343412322/?type=3> (the “Websites”).

4. Defendant THE RAYMOND F. KRAVIS CENTER FOR THE PERFORMING ARTS INC. (“Kravis Center”) is a performance and business center located near downtown West Palm Beach providing cultural experiences that entertain, inspire, and educate its customers. On or about October 24, 2023, Kravis Center collaborated with Palm Beach Improv wherein Palm Beach Improv joined the Kravis Center and now operates at the same location 701 Okeechobee Blvd. in West Palm Beach, FL 33401.¹

5. Palm Beach Improv and the Kraviz Center are collectively referred herein as “Defendants.”

6. Michael Grecco Productions, Inc. alleges that Defendants copied Grecco’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Defendants committed the violations alleged in connection with its business.

JURISDICTION AND VENUE

7. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

8. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

9. Defendants are subject to personal jurisdiction in Florida.

¹ <https://www.kravis.org/pressreleases/palm-beach-improv-at-the-kravis-center/>

10. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

DEFENDANTS

11. The Raymond F. Kravis Center for the Performing Arts, Inc. is a Florida Corporation, with its principal place of business at 701 Okeechobee Boulevard, West Palm Beach, FL, 33401, and can be served by serving its Registered Agent, Nason, Yeager, Gerson, Harris & Fumero, P.A, 3001 PGA Boulevard, Suite 305, Palm Beach Gardens, FL 33410.

12. Palm Beach Improv is located at 701 Okeechobee Boulevard, West Palm Beach, FL, 33401 and can be served at the same location.

THE COPYRIGHTED WORK AT ISSUE

13. In 2009, Grecco created the photograph entitled “19920602_Freidman_Bud_MGP_0001” which is shown below and referred to herein as the “Work”.



14. Grecco registered the Work with the Register of Copyrights on July 7, 2010, and was assigned registration number VA 1-431-698. The Certificate of Registration is attached hereto as **Exhibit 1**.

15. Grecco's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting, and

other details is entirely original, distinctive, and unique. As such, the Work qualifies as subject matter protectable under the Copyright Act.

16. At all relevant times, Grecco was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANTS

17. Defendants have never been licensed to use the Work at issue in this action for any purpose.

18. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendants copied the Work.

19. On or about August 11, 2024, Grecco discovered the unauthorized use of his Work on the Websites.

20. Defendants copied Grecco's copyrighted Work without Grecco's permission.

21. After Defendants copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its online community platform featuring events, concerts, sponsors, partners, and fundraising events, among other ticketed events.

22. Defendants copied and distributed Grecco's copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

23. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

24. Grecco never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

25. Grecco notified Kravis Center of the allegations set forth herein on October 1, 2024 and October 15, 2024. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

26. Grecco Productions, Inc. incorporates the allegations of paragraphs 1 through 25 of this Complaint as if fully set forth herein.

27. Grecco owns a valid copyright in the Work at issue in this case.

28. Grecco registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

29. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Grecco's authorization in violation of 17 U.S.C. § 501.

30. Defendants performed the acts alleged in the course and scope of its business activities.

31. Defendants' acts were willful.

32. Grecco has been damaged.

33. The harm caused to Grecco has been irreparable.

WHEREFORE, the Plaintiff MICHAEL GRECCO PRODUCTIONS, INC. prays for judgment against the Defendants THE RAYMOND F. KRAVIS CENTER FOR THE PERFORMING ARTS, INC. and PALM BEACH IMPROV that:

a. Defendants and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendants be required to pay Grecco his actual damages and Defendants' profits attributable to the infringement, or, at Grecco's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Grecco be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Grecco be awarded pre- and post-judgment interest; and

e. Grecco be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Grecco hereby demands a trial by jury of all issues so triable.

Dated: January 6, 2025

Respectfully submitted,

SRIPLAW, P. A.

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